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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,881	11/27/2006	Andreas Biggel	NRS-33600	1496
22202 7590 01/05/2011 WHYTE HIRSCHBOECK DUDEK S C INTELLECTUAL PROPERTY DEPARTMENT 555 EAST WELLS STREET, SUITE 1900 MILWAUKEE, WI 53202				
EXAMINER				
JENNISON, BRIAN W				
ART UNIT		PAPER NUMBER		
3742				
NOTIFICATION DATE		DELIVERY MODE		
01/05/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/561,881

Applicant(s)

BIGGEL ET AL.

Examiner

BRIAN JENNISON

Art Unit

3742

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2-6, 9-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/10/2010 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al (US 2002/0027309) in view of Harrington (US 6,581,675).

Fujii teaches: regarding claims 13-14, 17, Fig 2 shows two parallel endless rotatable metallic cooling belts 23 and 26 which are cooled by the rollers. Upper guide rollers 21 and 24 have the belts 23 and 26 positioned over them. The rollers form a filling gap for material 11 and are rotatable in a downward direction counter to each other. (See Paragraph [0077]) The belts are also oriented at a 90 degree angle from a horizontal

plane. The fact that a melted food is used in the claim is intended use as this invention may also be used for cheese. Fujii fails to teach regarding claim 17, the distance between the guide rollers being adjustable. Harrington discloses regarding claim 17, the rollers 15 and 17 may be adjusted. (See column 5, Lines 1-10) It would have been obvious to adapt Fujii in view of Harrington to provide the adjustable rollers to change the desired thickness of the metal strip.

Fujii also discloses:

Regarding Claim 2: Fig 2 shows the belts 23 and 26 arranged in a vertical position.

Regarding Claim 3: The belts 23 and 26 are rotatable in a downward direction counter to each other.

Regarding Claim 4: Fig 2 shows the cooling belts positioned over upper and lower guide rollers with the rollers axially parallel to each other.

Regarding Claim 5: A lower roller 29 is offset from lower roller 22.

Regarding Claim 6: Since the rollers 24 and 21 are cooling rollers there is some cooling medium acting on the rollers to achieve cooling. **See Paragraph [0014].**

Regarding Claim 8: The distance between the rollers 24 and 21 is easily altered to accommodate a larger or smaller gap.

Regarding Claims 9-11, 15: The rollers 28 and 29 are pressure rollers and may apply more or less pressure for adjusting the width of the strip of material. **See Paragraph [0080].**

Response to Arguments

5. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection. Applicant's argument is directed toward the amended portion of the claim which is covered in the new rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN JENNISON whose telephone number is (571)270-5930. The examiner can normally be reached on M-Th 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TU HOANG can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN JENNISON/
Examiner, Art Unit 3742

12/30/2010

/Mark H Paschall/
Primary Examiner, Art Unit 3742